

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

DARIO DRAKES,

PLAINTIFF

vs.

CIVIL ACTION NO.: 3:13CV133-NBB-SAA

T.C.C.F., et al.,

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

Upon consideration of the files and records in this action, the Court finds that the Report and Recommendation of the United States Magistrate Judge dated August 26, 2013, was on that date duly served by mail on the pro se plaintiff at his last known address; that he acknowledged receipt of same on August 28, 2013; that more than fourteen days have elapsed since the plaintiff acknowledged receipt of the Report and Recommendation; and that no objection to the Report and Recommendation has been filed or served by any party. The Court is of the opinion that the magistrate judge's Report and Recommendation should be approved and adopted as the opinion of the Court. It is, therefore, **ORDERED**:

1. That the Report and Recommendation of the United States Magistrate Judge dated August 26, 2013, is hereby **APPROVED AND ADOPTED** as the opinion of the Court.

2. That the California Out-of-State Correctional Facility, the Mississippi Department of Education, and Associate Warden James Nuchring be **DISMISSED** from this action with prejudice.

3. That the instant action proceed against the remaining defendants.

THIS, the 24th day of September, 2013.

/s/ Neal Biggers
NEAL B. BIGGERS, JR.
SENIOR U.S. DISTRICT JUDGE